

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARY ANN NIEMI and RONALD NIEMI, h/w :
260 Orchard Road :
Springfield, PA 19064 :

Plaintiffs :

v. :

UNITRIN DIRECT INSURANCE COMPANY, : CIVIL ACTION NO.
As successor in interest to KEMPER AUTO :
AND HOME INSURANCE COMPANY :
One East Wacker Drive :
Chicago, IL 60601 :

And :

UNITRIN DIRECT PROPERTY & :
CASUALTY COMPANY, as successor :
In interest to KEMPER AUTO AND HOME :
INSURANCE COMPANY :
One East Wacker Drive :
Chicago, IL 60601 :

And :

UNITRIN DIRECT AUTO INSURANCE :
As successor in interest to KEMPER AUTO :
AND HOME INSURANCE COMPANY :
One East Wacker Drive :
Chicago, IL 60601 :

And :

(continued on next page) :

UNITRIN, INC. as successor in interest to :
KEMPER AUTO AND HOME INSURANCE :
COMPANY :
One East Wacker Drive :
Chicago, IL 60601 :

And :

KEMPER AUTO & HOME GROUP, INC. :
As successor in interest to KEMPER AUTO :
AND HOME INSURANCE COMPANY :
One East Wacker Drive :
Chicago, IL 60601 :

Defendants :

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT OF THE EASTERN DISTRICT OF PENNSYLVANIA:

Unitrin Direct Insurance Company, Unitrin Direct Property and Casualty Company, Unitrin Direct Auto Insurance, and Kemper Auto and Home Group, Inc. (collectively referred to herein as “the Defendants”) hereby file a Notice of Removal of said case from the Court of Common Pleas for the First Judicial District of the Commonwealth of Pennsylvania (Philadelphia County), in which it is now pending, to the United States Court for the Eastern District of Pennsylvania, and in support hereof avers as follows:

1. This action was commenced by way of Complaint – Civil Action (“the Complaint”) filed in the Court of Common Pleas for the First Judicial District of the Commonwealth of Pennsylvania (Philadelphia County) on or about March 23, 2006 and is docketed at March Term, 2006 No. 002895 (a true and correct copy of the Complaint is attached as Exhibit “A”).

2. The Complaint alleges that Defendants acted in bad faith with regard to Plaintiff, Mary Ann Niemi’s underinsured (“UIM”) claim.

3. Defendants were, at the time this action was commenced and at the present time, citizens of the state of Illinois with a home office at One East Wacker Drive, Chicago, Illinois 60601.

4. Upon information and belief, Plaintiffs were at the time this action was commenced, and at the present time, citizens of Pennsylvania residing at 260 Orchard Road, Springfield, Pennsylvania 19064.

5. The value of the matter is in controversy, including punitive damages for bad faith, exceeds the jurisdictional amount of \$75,000, exclusive of interest and costs.

6. The present lawsuit is removable from state Court to the District Court of the United States pursuant to 28 U.S.C. § 1332(a)(1) and 1441(a).

7. Copies of all process, pleadings and Orders, which have been received by Defendant are filed herewith.

8. This Notice is timely, it being filed within thirty (30) days of the receipt by Petitioner of the copy of the Complaint setting forth the claims for relief upon which the action is based.

WHEREFORE, notice is given that this action is removed from the Court of Common Pleas of the First District of Pennsylvania (Philadelphia County) to the United States District Court for the Eastern District of Pennsylvania.

MOORE & RIEMENSCHNEIDER, LLC

1687

Andrew P. Moore, Esquire
Attorney I.D. No. 57486
Moore & Riemenschneider, LLC
1132 Old York Rd.
Abington, PA 19001

Attorney for Defendants

Dated: _____

CERTIFICATE OF SERVICE

I, Andrew P. Moore, Esquire, attorney for Defendants certify that a true and correct of the Notice of Removal was served, via U.S. mail, first class, postage prepaid, upon the following on April ____, 2006:

Bruce Neff, Esquire
2 Penn Center, Suite 530
15th and JFK Boulevard
Philadelphia, PA 19102

MOORE & RIEMENSCHNEIDER, LLC

1687

Andrew P. Moore, Esquire
Attorney I.D. No. 57486
Moore & Riemenschneider, LLC
1132 Old York Rd.
Abington, PA 19001

Attorney for Defendants